

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DUWAYNE CAREY,)	
)	Civil Action No. 05 - 1695
Plaintiff,)	
)	Judge Terrence F. McVerry /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
SUPERINTENDENT BARRY JOHNSON;)	
SUSAN MYERS, <i>CHCH</i> ; MATTHEW)	Doc. Nos. 38, 39
MORROW, <i>EMPLOYMENT COORDINATOR</i> ;)	
MARK HAMMER, <i>P.A.</i> ; DR. JAMIL AHMED;)	
and DR. DURRE AHMED,)	
)	
Defendants.)	

ORDER

On May 2, 2006 Plaintiff filed an untitled motion, which this Court interpreted as a Motion to Amend his complaint. (Doc. No. 33) on May 2, 2006. Said motion outlined an ordeal that involves scheduled medical procedures and transfers between facilities, but failed to state why Plaintiff wished to amend his complaint. Therefore, his Motion was denied but Plaintiff was granted until May 26 to file a second motion, with the proposed amended complaint attached. In document number 39 Plaintiff states that he filed an amended complaint on January 9, 2006. No such document has been received by the Court or the Clerk of Courts. Perhaps what Plaintiff was requesting on May 2 was an extension of time to respond to the Motion to Dismiss.

In any event, nothing has been filed by Plaintiff until June 5, when he filed a document entitled "Plaintiff's Motion for Extension of Time to File Rule 15(D) Amended Motion to Original Complaint" (Doc. No. 38). In that pleading he avers that he was confined to the

Restricted Housing Unit for 35 days and was only able to visit the law library on two occasions. He also outlines further medical procedures he is to undergo and requests "an enlargement of time...until July 7, 2006 within which to answer or otherwise respond to the court in this matter."

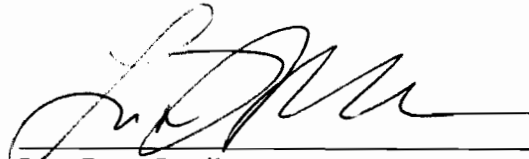
The Court is, at best, confused. There is a pending Motion to Dismiss Plaintiff's Complaint, filed on March 6, 2006. The Court now presumes Plaintiff is requesting an extension to respond to this motion.

Plaintiff has also filed a second Request for Motion to Have His Medical Records Transferred to Dr. Frank E. Sessoms, M.D. In response to the first motion, Defendants were ordered, no later than March 31, 2006, to either treat this request as an authorization for the release of Plaintiff's medical records and make reasonable arrangements to send a copy of those records to Dr. Sessoms, or, in the alternative, file a response to this motion indicating why that cannot be done. No filing has been made to date. Therefore,

IT IS ORDERED this 9th day of June, 2006, that Plaintiff's Motion for Extension (Doc. No. 38) is **GRANTED** and Plaintiff has until **July 7, 2006 to file a response to the Motion to Dismiss**.

IT IS FURTHER ORDERED that Plaintiff's Motion to transfer his medical records (Doc. No. 39) is **GRANTED**.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days shall constitute waiver of the right to appeal.



Lisa Pupo Lenihan
United States Magistrate Judge

cc: Duwayne Carey
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